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left little to be desired. Prefaces to such volumes are never very important, because the student will study the text himself and will draw therefrom his own conclusions. Three mistakes in names occur that ought to have been avoided: the American Historical *Society* for the American Historical Association, Mackay for Macray, and "Miss Gertrude Kingsbury", a composite which those familiar with the work of the ladies in question will readily reduce to its original elements.

CHARLES M. ANDREWS.

*The Mystery of the Pinckney Draught.* By CHARLES C. NOTT, formerly Chief-Justice of the United States Court of Claims. (New York: The Century Company. 1908. Pp. 334.)

IT is to be regretted that so much time and labor, by a man of such ability as Judge Nott, should have been wasted in a mistaken cause—the rehabilitation of the discredited Pinckney Plan. To every student of the subject it is well known: that on May 29, 1787, Charles Pinckney presented to the Federal Convention "the draft of a federal government to be agreed upon between the free and independent states of America"; that the records note simply its submission to the Convention, its reference on the same day to the Committee of the Whole House, and its subsequent reference to the Committee of Detail; and that when John Quincy Adams in 1818 applied to Pinckney for a copy of the missing plan he received in reply a document so strikingly similar to the draught of a constitution reported by the Committee of Detail on August 6 that it was evident one document must have been taken from the other. The conclusion has been almost universally unfavorable to Pinckney. In the present work the author takes the other side, and in an elaborate argument declares that the original Pinckney Plan is lost to the world because it was used as "printer's copy" by the Committee of Detail.

The most serious difficulty with the argument here presented is the frequent begging of the question. Of course, if the document sent to Adams is accepted as practically "all that Pinckney represented it to be", it is easy enough to prove that Pinckney is to be regarded as the master builder of the Constitution. But something more is needed than the reiterated statement that the document is what it purports to be and that it must be so because it is inconceivable that Pinckney should have put forward a document that the members of the Convention still living could have disproven so easily.

Another objection is the looseness of the author's method of reasoning. As an illustration of this, take his use of the pamphlet *Observations*, printed by Pinckney immediately after the Convention was over. In a chapter or more devoted to it, Judge Nott recognizes the discrepancy between the plan described in the *Observations* and the document sent to Adams, and he argues that the *Observations* do not refer to the plan presented to the Convention, but may have described one "of

the 4 or 5 draughts" Pinckney stated that he had in his possession. The author concludes therefore that "the supposed value of the *Observations* as evidence to impeach the integrity of the draught in the State Department is blown to pieces" (p. 132). Later, however, he uses the *Observations* to support the genuineness of the Adams document: "When Pinckney described in the *Observations* the draught which he was subsequently to present to the Convention he thereby described the draught which he was ultimately to place in the Department of State" (p. 274). One feels inclined to quote to the author his own statement that "The *Observations* seem to have been . . . fatal to whichever party relied upon them" (p. 141).

These criticisms lie upon the surface, but to one who is familiar with the documents in the case the author has laid himself open to more serious criticism. Although he refers to the discovery of certain documents among the Wilson Papers by Professors Jameson and McLaughlin, he makes no reference whatever to the cogent arguments presented at the time those documents were printed to show that they were extracts from and an outline of the original Pinckney Plan, and are at variance with the document sent to Adams.

With the materials at our command it is quite possible to reconstruct, in outline form at least, the original Pinckney Plan. The plan so reconstructed conforms exactly to the outline and extracts found among the Wilson Papers and is in marked variance to the Adams document. To the unprejudiced student this is a much more acceptable method of procedure and reaches a more satisfactory conclusion than can be obtained by any attempt to reconcile the discrepancies between the Adams document and the authenticated opinions of Pinckney. It is altogether probable, therefore, that in the light of our present knowledge the last word on the subject has been uttered by Professor Jameson: "It is not possible to say that Pinckney answered Adams's request by sitting down and copying the printed report of the Committee of Detail, paraphrasing to a small extent here and there, and interweaving as he went along some of the best-remembered features of his own plan. But it is possible to declare that if he had done this the result would have been precisely like that which in fact he sent on to Washington."

The writer of this review has long been convinced that Madison was distinctly unfair to Pinckney in his Notes of the Debates. He believes also that Pinckney has never been given due credit for the part he took in the framing of our Constitution. Pinckney was not a great constructive statesman, but in the work of the Convention he rendered valuable service in formulating many of the details embodied in the Constitution. It was not so much a new instrument of government that Pinckney framed in his original plan as it was a revision of the Articles of Confederation. In the preparation of his plan Pinckney drew extensively upon the Articles of Confederation and the various state consti-

tutions, especially that of New York. A number of these provisions were used by the Committee of Detail in formulating its draft of a constitution and in the course of the debates Pinckney suggested many things that were accepted by the Convention. But, as already stated, these provisions were mainly in the nature of modifications in phrasing and wording, or suggestions of new details. If these things be true, it is not so greatly to be wondered at that thirty years later Pinckney, remembering that his plan had been used by the Committee of Detail, should have ascribed more credit to himself than he deserved and could write to Adams that "my plan was substantially adopted in the sequel". If Judge Nott had only devoted himself to the determination of those things for which the Constitution is unquestionably indebted to Pinckney instead of claiming too much for him, he would have rendered a genuine service to historical study.

MAX FARRAND.

*The Works of James Buchanan, comprising his Speeches, State Papers and Private Correspondence.* Collected and edited by JOHN BASSETT MOORE. Volumes V. and VI., 1841-1844, 1844-1846. (Philadelphia and London: J. B. Lippincott and Company. 1909. Pp. viii, 514; xvii, 509.)

THE fifth volume of Professor Moore's edition of Buchanan's writings finds Buchanan still in the United States Senate, where his continued membership of the Committee on Foreign Relations and Committee on Manufactures brought him into close contact with many of the most pressing questions of the time, and led him frequently into debate. If his career was as yet hardly distinguished, it was at least dignified and consistently serious. A strong party man, he lost no opportunity to attack the Whigs: in 1841, for example, he spoke strongly against the proposed Fiscal Bank and the later Fiscal Corporation, and defended Tyler's vetoes of those measures. "The veto power", he declared, "is that feature of our Constitution which is most conservative of the rights of the States and the rights of the people" (V. 139). In the field of finance we find him urging, in March, 1842, the immediate resumption of specie payments in the District of Columbia, and in April opposing a bill to pay to the states the proceeds of public land sales. His strong state-rights attitude led him to fear and oppose centralization, a position which he set forth in May, 1842, in an elaborate constitutional argument against a bill authorizing the transfer of criminal causes from state to federal courts. The proposal to refund to Jackson the amount of the fine imposed upon him by Judge Hall in the Louailier case had, naturally, Buchanan's warm support.

The great issues of the period covered by these volumes, however, were those of the northeastern and northwestern boundaries and the annexation of Texas. Buchanan voted against the Ashburton treaty,